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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,075	01/18/2002	Denny Jaeger	4224	3290

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EXAMINER

ROSWELL, MICHAEL

ART UNIT PAPER NUMBER

2173

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,075

Applicant(s)

JAEGER, DENNY

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16, 18-27 and 40-43 is/are allowed.
- 6) ☒ Claim(s) 28, 29, 31, 33, 34 and 39 is/are rejected.
- 7) ☒ Claim(s) 17, 30, 32 and 35-38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20020603.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 17 and 28 objected to because of the following informalities: Claim 17 recites the acronym DRT, which is not previously defined by the claims. Claim 28 fails to terminate properly. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28-29, 31, 33-34, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Paint Version 4.0 (copyright date 1999, as shown in Fig. 1), hereinafter MS Paint.

Regarding claims 28 and 33, MS Paint teaches a providing means for displaying a first plurality of colors (taught as the image screen of Figs. 1 and 2 that allows a user to populate the screen with various colors using the color palette 1), the user assigning at least one onscreen element to one of the first plurality of colors (taught as the selection of an element for display from the tool palette 2, that are drawn using the colors selected from the color palette), selecting the one of the first plurality of colors as a line style (taught as the selection of the line tools from the tool palette), and drawing a line onscreen using the one color, the screen display portraying

the element assigned to the color (taught as the drawing and display of lines of selectable width in the chosen color, the lines being the element assigned to the color, as shown in Fig. 2).

Regarding claims 29 and 34, as the length and slope of a drawn line are its graphical properties, they inherently determine the size of the element (drawn line), as shown in Fig. 2.

Regarding claim 31, MS Paint teaches providing a plurality of electronic devices, connecting the devices through a communications network, and transmitting the onscreen element from one of the electronic devices to at least another of the electronic devices, as shown in the "Send..." menu item of Fig. 3, which allows the user to transmit a displayed onscreen element to a plurality of users on a plurality of electronic devices using e-mail or fax.

Regarding claim 39, MS Paint teaches first selecting one of a plurality of colors, and thereafter selecting at least one onscreen element, as a default color is selected prior to the user selecting a tool from the tool palette. MS Paint also allows for a user to select a color before selecting a tool from the tool palette.

Allowable Subject Matter

Claims 30, 32, and 35-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-27 and 40-43 are allowed.

The following is an examiner's statement of reasons for allowance: independent claims 1 and 40 recite the limitations "the user assigning at least one onscreen element to a respective assignable specifier", "selecting said respective assignable specifier as a line style", and "drawing a line onscreen in said line style to call forth said assignable specifier". These limitations were not described in the cited prior art, nor were they found in the examiner's search of patent documents and publications. The cited prior art dealing with Microsoft Paint relates to specifying a color for an onscreen element and line style. The cited prior art not made of record relates to gesture recognition, but fails to explicitly teach assigning elements to assignable specifiers, selecting the assignable specifiers as a line style, or drawing a line onscreen in the line style to call forth the assignable specifier.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art relates to gesture recognition for electronic devices, and the state of the art in general.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
3/3/2005



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173